

REMARKS

Applicant appreciates the Examiner's observation in her April 24, 2007 Office Action that claims 2-5 and 11-30 are free of the prior art. Applicant has incorporated claim 11 into independent claims 1, 26 and 27, so that the claims all require activation after nuclear transfer, and trusts that this amendment has overcome the pending prior art rejections.

All that remain are enablement and written description rejections, and those rejections are addressed below.

Rejections Under 35 U.S.C. 112, First Paragraph (Enablement)

The Office Action rejects claims 1-5 and 7-30 on several grounds of enablement.

First, the Office Action states that the claims are not enabled for the production of any and all non-human embryos or animals. Applicant assumes that the Office is referring to the Office's previous rejection of the claims as non-enabling for primate embryos, and that the rejection is restated because the "non-primate" language has not permeated every limitation in the claims sufficiently. Applicant has inserted non-primate throughout the independent claims and trusts that it has overcome this rejection.

Second, the Office Action states that the claims are not enabled for NT embryos that are not activated or fused. Applicant has inserted a requirement for activation into the claims and trusts that it has also overcome this rejection.

Third, the Office Action states that the claims are only enabled for metaphase oocytes. According to the Office Action, the oocyte must be at metaphase because metaphase is when MPF activity is highest, thereby permitting nuclear reprogramming and remodeling. However, metaphase oocytes are not necessary, as demonstrated by Gasparrini et al., Biol Reprod. 2003 Apr;68(4):1259-66 (copy enclosed), and Russell et al., Mol Reprod Dev. 2005 Oct;72(2):161-70(copy enclosed), wherein nuclear transfer was successfully performed using oocytes in telephase. In addition, the present application contains data with oocytes in MI and MII (see example 3). Reconsideration is respectfully requested.

Finally, the Office Action states that claim 7 is not enabled for "lymphocytes."
Applicant has removed lymphocytes from claim 7 and trusts that it has overcome this rejection.

Rejections Under 35 U.S.C. § 112, Second Paragraph (Definiteness)

The Office Action also lodges several definiteness rejections against the claims for lack of definiteness, based on the terms "late embryonic stage" in claim 9, "about" in claim 13, and the failure to recite "non-primate" mammals in claims 26 and 27. Applicant has amended claims 9 and 13 to remove the objectionable language and has amended claims 26 and 27 to include a "non-primate" limitation, and trusts that it has overcome the rejection.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance, and an early notification to that effect is respectfully requested. If any issues remain that can be resolved with an Examiner's Amendment or a telephone conference, please contact the undersigned at 404-873-8512.

Respectfully submitted,



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